

California Regional Water Quality Control Board
North Coast Region

Complaint No. 99-52

For

Administrative Civil Liability

In The Matter Of

Russian River County Sanitation District
For Violations of Waste Discharge Requirements
Order No. 92-51
And The Water Quality Control Plan For
The North Coast Region

and

Sonoma County Water Agency
For Violations of the Water Quality Control Plan For
The North Coast Region
And Water Code Section 13376

Sonoma County

The Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), hereby gives notice that:

1. The Russian River County Sanitation District (RRCSD), 2150 W. College Avenue, Santa Rosa, owns a municipal wastewater treatment facility located southeast of Vacation Beach and north of the Russian River on Neely Road. The Sonoma County Water Agency (SCWA) is under contract to operate and maintain the Russian River Wastewater Treatment Facility. The treatment facility serves the communities of Armstrong Park, Drakes Road area, Guerneville, Guernewood Park, Rio Nido and Vacation Beach. Treated effluent is disposed of by irrigation during the irrigation season and discharge to the Russian River during the discharge season.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 92-51 for the wastewater treatment facility on May 28, 1992. This Order also serves as a NPDES Permit and allows the RRCSD to discharge up to one percent of the of the flow of the receiving water October 1 through May 14 of each year.
3. The RRCSD violated a discharge prohibition and a provision contained in Waste Discharge Requirements Order No. 92-51 and a Waste Discharge Prohibition contained in the Water Quality Control Plan for the North Coast Region for which the Regional Water Board may impose civil liability under Section 13385 of the California Water Code.

4. The SCWA violated Waste Discharge Prohibitions contained in the Water Quality Control Plan for the North Coast Region and Section 13376 of the Porter-Cologne Water Quality Control Act for which the Regional Water Board may impose civil liability under Section 13385 of the California Water Code.
5. The RRCSD and the SCWA discharged an estimated 2,400 gallons of untreated sewage from the Watson Road lift station to a tributary to the Russian River. The discharge occurred in February 1999 and was due to a faulty pump gasket seal combined with inflow and infiltration (I&I).
6. The RRCSD and the SCWA discharged an estimated 99,000 gallons of untreated sewage from a lift station on Drake Road to the Russian River. The discharge occurred in April 1999 and was due to human error and a faulty mechanical high water alarm system.
7. This matter was heard by the Regional Water Board on July 22, 1999 in the Regional Water Board Meeting Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California.
8. A subsequent hearing on this matter may be held before the Regional Water Board on September 23, 1999. The RRCSD and the SCWA or its representatives will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Water Board. However, testimony at the September hearing may be limited to new evidence that was not available at the time of the evidentiary hearing. At the September hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability or take other action.
9. The following sections of Waste Discharge Requirements, Order No. 92-51, were violated:

A. Discharge Prohibitions

5. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.

E. Provisions

5. Proper Operation and Maintenance

The permittee shall at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40CFR122.41(e)]

10. The following section of the Water Quality Control Plan for the North Coast Region (Basin Plan) was violated:

Section 4. IMPLEMENTATION PLANS

POINT SOURCE MEASURES

WASTE DISCHARGE PROHIBITIONS:

The Regional Water Board declares that point source waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

North Coastal Basin

4. The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits. In addition, the discharge of municipal waste during October 1 through May 14 shall be of advanced treated wastewater in accordance with effluent limitations contained in NPDES permits for each affected discharger, and shall meet a median coliform level of 2.2 MPN/100 ml.
11. The following section of the Porter-Cologne Water Quality Control Act (PCWQCA) was violated:

Section 13376

... The discharge of pollutants or dredged or fill material or the operation of a publicly owned treatment works or other treatment works treating domestic sewage by any person except as authorized by waste discharge requirements or dredged or fill material permits is prohibited, except that no waste discharge requirements or permit is required under this chapter if no state or federal permit is required under the Federal Water Pollution Control Act, as amended.

12. The RRCSD violated Waste Discharge Requirements Order No. 92-51 and the Basin Plan. The SCWA violated the Basin Plan and PCWQCA Section 13376.
13. The following facts are the basis for the alleged violations in this matter:

Watson Road Lift Station

- a. Around 9:30 a.m. Sunday, February 7, 1999, the SCWA received a call from a local resident that the Watson Road lift station was overflowing. A maintenance crew arrived on the scene around 10:00 a.m. The crew found the lift station discharging untreated sewage at a flow rate of approximately five gallons per minute. The wastewater was entering a drainage ditch that leads to Fife Creek, a tributary to the Russian River. The crew inspected the lift station and decided to pump down the lift

station and haul the wastewater to the treatment facility. Initially the cause was undetermined but thought to be either pumps not operating at capacity and/or excessive I&I entering the lift station. Either cause could not be fully examined until the lift station was pumped down.

- b. The discharge continued until 5:30 p.m. when SCWA staff arrived with a pump truck, pumped down the lift station and ceased the discharge. Based on the flow rate of five gallons per minute and the time span from 9:30 a.m. to 5:30 p.m. (eight hours), the estimated volume discharged is 2,400 gallons. The pumping continued for several days until the cause was determined and corrected. The cause was determined to be two fold: first, a tear in a gasket decreased pump efficiency by allowing pressurized wastewater to exit through a seal between the pump and the piping, and second, I&I was entering the collection system through a loose stubout cap and an illegal sewer connection creating higher than normal flows.
- c. Eight hours is an excessive amount of time to stop a collection system overflow. When asked about the time it took to cease the discharge, Maintenance Supervisor Mr. John Kirvan indicated their crews were spread thin due to the timing of the events (Sunday morning), the inability to contact crew members, and numerous problems around the county.
- d. The SCWA does not have on-call staff whom the SCWA can rely on to respond to off-duty incidents. Most municipalities in the Russian River basin have paid on-call personnel who respond to after hour incidents. Paid on-call personnel are essential to the operation and maintenance of a wastewater treatment facility.
- e. There were two other problems occurring around the county Sunday morning that the SCWA cited as preventing them from responding faster. The first was manhole overflows at the Sonoma Valley treatment plant. The SCWA has one vacuum truck for all their facilities (eight in Region 1 which span 70 miles, Geyserville to Guerneville) which was in service at Sonoma Valley treatment plant (Region 2) during the Watson Road lift station incident. The SCWA personnel fabricated a pump truck by placing a storage tank on a dump truck and fitting the truck with a pump. This was done rather than using a potable water truck.
- f. The second problem delaying the response was a diesel pump needed to be replaced at the Forestville County Sanitation District. An operator had fueled the diesel pump with gasoline rendering the pump inoperable. The portable pump was being used to transfer effluent from the secondary pond into the chlorine contact chamber. Due to high inflow the regular pump could not keep up with the flow and a second portable pump was required.
- g. No cleanup of surface waters was conducted.

Drake Road Lift Station

- h. On April 22, 1999, SCWA personnel conducted routine maintenance on the lift station. The maintenance crew left the pump controller in a diagnostic mode instead of in the "Run" mode. Due to this the pumps would not function automatically and the controller high water alarm was essentially turned off as well. The lift station is also fitted with a redundant mechanical high level alarm controlled by a float and mercury switch. The mercury switch failed, preventing an alarm to be signaled.
- i. As the lift station filled with sewage, the pumps did not turn on and neither of the two high water alarms signaled an alarm. Therefore, the sewage accumulated in the collection system and lift station until it started discharging out of two manholes, the lift station, and a sewer lateral. The discharge went undetected until April 27, 1999 when a resident noticed the discharge and alerted the SCWA.
- j. On April 27, 1999, the SCWA was alerted to the sewer overflow on Drake Road. SCWA personnel inspected the lift station, stopped the discharge and conducted cleanup of the ground surface by flushing with potable water. SCWA staff notified Regional Water Board staff of the incident by telephone on April 27, 1999. SCWA staff indicated there had been an overflow estimated at 2000 gallons and an investigation was underway to determine if any sewage had entered the Russian River.
- k. On or near May 5, 1999, it was determined, upon further investigation, that the lift station had been inoperable since April 22, 1999. The discharge is now estimated at 99,000 gallons with an unknown quantity entering the Russian River. Considering Drake Road is adjacent to the river and the soils are alluvial which drain rapidly to the river, it is assumed the vast majority of the discharge entered the river.
- l. No cleanup of the Russian River was conducted.
- m. Chronology of contacts the SCWA made with Regional Water Board staff regarding the Drake Road incident:
 - On April 27, 1999, Mr. Hody Wilson, SCWA, left a telephone message indicating a Drake Road lift station overflow estimated at 2000 gallons. He further stated the incident would be investigated to determine the precise volume and if sewage had reached the river. His initial indication was that the spill was relatively small and had soaked into the ground.
 - On May 3, 1999, Mr. Wilson left a telephone message requesting Regional Water Board staff return his call and discuss the Drake Road lift station incident. No additional details about the spill were provided.
 - On May 6, 1999, during a meeting regarding a different spill, Mr. George Hicks indicated in passing that the Drake Road overflow had occurred for several days and was now being estimated at 100,000 gallons.

- On May 11, 1999, a meeting between the SCWA, Sonoma County Environmental Health and Regional Water Board staff was held. During this meeting the SCWA was advised to publicly announce the spill, which they did later that day.

Proposed Civil Liability

13. Section 13385(a) of the California Water Code provides for the imposition of civil liabilities against dischargers who violate waste discharge requirements, Section 13376, or a prohibition issued by the Regional Water Board. Section 13385(c) defines the amount of civil liability that may be imposed by the Regional Water Board as up to \$10,000 per day of violation and \$10 per gallon of waste discharged and not cleaned up in excess of 1,000 gallons. The civil liability that could be imposed against the RRCSD and the SCWA in this matter is calculated as follows:

Six days of discharge from April 22 through April 27, 1999, in violation of Order No. 92-51, the Basin Plan's Waste Discharge Prohibition, and Section 13376.

The discharge volume from the Drake Road incident is estimated to be 99,000 gallons. No cleanup of the discharge was made. Therefore, there were 98,000 gallons discharged to the Russian River that were not cleaned up in excess of 1,000 gallons per incident.

One day of discharge on February 7, 1999, in violation of Order No. 92-51, the Basin Plan's Waste Discharge Prohibition, and Section 13376.

The discharge volume from the Watson Road incident is estimated to be 2,400 gallons. No cleanup of the discharge was made. Therefore, there were 1,400 gallons discharged to the Russian River that were not cleaned up in excess of 1,000 gallons per incident.

14. In determining the amount of any civil liability, the Regional Water Board took into account the nature, circumstances, extent, and gravity of the violation; whether the discharger has the ability to pay; whether the discharger has any prior history of violations; the degree of culpability; whether there were any economic savings as a result of the violation; and such other matters as justice may require. The Regional Water Board adopts the discussion of the above factors in the accompanying staff report.
15. The issuance of this complaint is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321(a)(2), and Water Code section 13389.
16. The Executive Officer of the Regional Water Board was directed to issue a complaint with a proposed administrative civil liability to the SCWA for violations of the prohibition against discharge contained in the Water Quality Control Plan and California Water Code Section 13376 for discharges of raw sewage to the Russian River in an amount equal to \$50,000. \$5,000 is due and payable within 20 days of receipt of this Complaint. The remaining \$45,000 is suspended contingent upon the SCWA's completion of the following

supplemental environmental project to the Executive Officer's satisfaction no later than July 31, 2000.

- Supplemental Environment Project: The SCWA shall draft and implement a comprehensive spill response and notification plan which will be used by the SCWA for all of its operations within the region, and could be utilized by all other water and wastewater agencies in the Russian River watershed. The SCWA shall hire an outside consultant to prepare this plan, which shall include public notification, public education, public outreach, notification procedures, resource sharing, mutual aid agreements, training and a system for debriefing and plan modifications following spill events.
- The SCWA shall submit a draft bid package that details the scope of the proposal to the Executive Officer for approval by September 1, 1999 and shall submit the final bid package by November 1, 1999.
- The SCWA shall submit a draft spill response and notification plan to the Executive Officer for approval by June 1, 2000, and shall submit the final spill response and notification plan by July 31, 2000.
- Failure to adhere to any of these deadlines will result in the automatic imposition of the suspended administrative civil liability.

Waiver of Hearing

17. You may waive the right to a future hearing. If you wish to waive the hearing, please check and sign the waiver and return it together with a cashier's check or money order, made payable to the State Water Resource Control Board, for the amount of civil liability proposed in paragraph 16 above within 20 days of receipt of this complaint to the California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. This settlement will not become effective until after a 30-day public comment period.

Lee. A Michlin
Executive Officer

July 22 1999